

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

AUGUST 17, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING – 6:00 P.M.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:00 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem absent:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/ REPORTS ON ASSIGNMENTS AND COMMITTEES

None.

COMMUNICATIONS FROM CITY STAFF

PUBLIC SAFETY DIRECTOR CLARK introduced incoming Sheriff's Captain Roy Heringer.

PUBLIC COMMENT

MARCUS BOYD presented twenty-four (24) letters in support for medical marijuana dispensaries and he urged City Council to form a committee comprised of Imperial Beach residents, patients and key stakeholders to discuss how medical marijuana should be regulated in Imperial Beach.

ED SORRELS spoke in support for the publication of an Imperial Beach business phone directory.

ROBERT BRIANS questioned why staff took photos of residential backyards.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.6)

COUNCILMEMBER BRAGG requested Item No. 2.3 be removed from the Consent Calendar for discussion.

MOTION BY BRAGG, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1, 2.2 AND 2.4 THRU 2.6. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JANNEY, SPRIGGS, BRAGG, KING

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of June 1, June 15 and July 6, 2011.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 78784 through 78870 with the subtotal amount of \$328,430.73 and Payroll Checks 44058 through 44094 for the pay period ending 07/28/11 with the subtotal amount of \$191,062.07 for a total amount of \$519,492.80.

2.4 RESOLUTION NO. 2011-7069 – AUTHORIZING AND RATIFYING THE CITY MANAGER’S EXECUTION OF AN AMENDED AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND THE CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS REALLOCATING \$4.2 MILLION OF PUBLIC BEACH RESTORATION FUNDS FROM THE ARMY CORPS SILVER STRAND SHORELINE BEACH REPLENISHMENT PROJECT TO THE SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) REGIONAL BEACH SAND PROJECT (RBSP) II PROJECT. (0220-70)

Adopted resolution.

2.5 RATIFY MAYOR’S LETTER REGARDING ASSEMBLY BILL AB 1248. (0460-20)

Ratified the Mayor’s letter to Assembly Member Hueso and State Senator Vargas.

2.6 RESOLUTION NO. 2011-7073 – AFFIRMING CITY MANAGER’S PAYMENT TO ARRIETA CONSTRUCTION FOR AUTHORIZED SEWER INFRASTRUCTURE WORK PERFORMED AT THE DIRECTION OF THE PUBLIC WORKS DIRECTOR. (0830-10)

Adopted resolution.

ITEMS PULLED FROM THE CONSENT CALENDAR

2.3 RESOLUTION NO. 2011-7071 – AUTHORIZING SALE OF SURPLUS SIGNS. (0380-45)

CITY MANAGER BROWN reported on the item.

COUNCILMEMBER BRAGG stated Candace Unger, a local resident, offered to help sell the street signs.

MOTION BY BRAGG, SECOND BY SPRIGGS, RESOLUTION NO. 2011-7071 – AUTHORIZING SALE OF SURPLUS SIGNS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JANNEY, SPRIGGS, BRAGG, KING

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 ORDINANCE 2011-1122 – AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO THE USE OF THE SKATEBOARD PARK. (0920-40 & 0920-95)

CITY MANAGER BROWN introduced the item.

COUNCILMEMBER SPRIGGS expressed concern about possible confusion and potential problems associated with using the word “dusk” as the closure time for the Skateboard Park.

CITY ATTORNEY LYON read into the record the following changes to Section 12.56.055(G) of Ordinance No. 2011-1122:

- On page 2, line 2, remove “or Dusk (which ever is earlier)”;
- On page 2, line 4, remove “or Dusk (which ever comes earlier)”

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2011-1122.

CITY CLERK HALD read the title of Ordinance No. 2011-1122, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO USE OF SKATEBOARD PARK.”

MOTION BY KING, SECOND BY BRAGG, TO DISPENSE FIRST READING OF ORDINANCE NO. 2011-1122, SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING OF SEPTEMBER 7, 2011, AND TO AMEND THE ORDINANCE AS STATED BY THE CITY ATTORNEY. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JANNEY, SPRIGGS, BRAGG, KING
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BILBRAY

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5)

None.

REPORTS (6.1 - 6.4)

6.1 UPDATE ON TIJUANA RIVER WATERSHED FROM THE INTERNATIONAL BOUNDARY AND WATER COMMISSION (IBWC). (0770-87)

CITY MANAGER BROWN introduced the item.

STEVE SMULLEN, Operations Manager for the IBWC, gave a Power Point presentation on the item.

MAYOR JANNEY spoke about sending letters to the appropriate agencies regarding the City's position/concerns relating to Barrett Lake, Pump Station 1 (owned by CESPT), and the Recovery Team's plan.

6.2 RESOLUTION NO. 2011-7068 – DECLARING THAT THE WEEDS, BRUSH, RUBBISH, AND REFUSE UPON OR IN FRONT OF PROPERTIES LOCATED AT 715 HOLLY AVENUE, 822 GEORGIA STREET, 642 CORVINA STREET, 1106 7TH STREET, AND 885 ENCINA AVENUE/902 9TH STREET CONSTITUTE A PUBLIC NUISANCE AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON SEPTEMBER 7, 2011. (0680-20)

CITY MANAGER BROWN introduced the item.

CODE ENFORCEMENT OFFICER GARCIAS gave a Power Point presentation on the item and noted that progress has been made in the cleanup of 642 Corvina Street.

MOTION BY SPRIGGS, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7068 – DECLARING THAT THE WEEDS, BRUSH, RUBBISH, AND REFUSE UPON OR IN FRONT OF PROPERTIES LOCATED AT 715 HOLLY AVENUE, 822 GEORGIA STREET, 642 CORVINA STREET, 1106 7TH STREET, AND 885 ENCINA AVENUE/902 9TH STREET CONSTITUTE A PUBLIC NUISANCE AND DECLARING ITS INTENTION TO PROVIDE FOR THE ABATEMENT THEREOF AND SCHEDULE A WEED AND RUBBISH ABATEMENT PUBLIC HEARING TO HEAR OBJECTIONS ON SEPTEMBER 7, 2011. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JANNEY, SPRIGGS, BRAGG, KING

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY

6.3 DUE PROCESS HEARING, TO WIT: CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – VETERANS PARK TOT-LOT RESURFACING PROJECT (CIP P03-50B) (0920-70)

The following items were submitted as Last Minute Agenda Information:

- a. Letter from Rafael Alzaga, Vice President, Play Smart Surfacing, Inc.
- b. 9 Photos
- c. Letter of recommendation from Rialto Unified School District.

CITY MANAGER BROWN introduced the item.

CITY ATTORNEY LYON stated documents submitted by the lowest value bidder were provided as Last Minute Agenda Information and she explained the procedure for the due process hearing.

PUBLIC WORKS DIRECTOR LEVIEN reported staff found the lowest value bidder (Play Smart Surfacing, Inc.) to be “nonresponsible” since the company acquired their contractor’s license two days prior to submitting their bid for the project and they were unable to provide references; he further stated that the company provided three (3) references yesterday however the work was performed by a business of a different name and that the projects were smaller in size.

RAFAEL ALZAGA, Vice President for Play Smart Surfacing, Inc., submitted five (5) additional reference letters for the record; he stated that although the company is new, he has many years of experience in managing similar projects; he responded to questions of City Council and stated that he is capable of completing the project, he will be using the same installers from his previous company; he spoke about the his workmanship and offered a five-year warranty.

City Council expressed support for not approving the resolution and providing Play Smart Surfacing, Inc. the opportunity to work on the project.

**MOTION BY JANNEY, SECOND BY KING, TO REJECT RESOLUTION NO. 2011-7070.
MOTION CARRIED BY THE FOLLOWING VOTE:**

AYES: COUNCILMEMBERS: JANNEY, SPRIGGS, BRAGG, KING

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY

6.4 RESOLUTION NO. 2011-7072 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT - VETERANS PARK TOT-LOT RESURFACING PROJECT (CIP P03-50B) AND AUTHORIZING THE TRANSFER OF \$40,000 RISK MANAGEMENT FUNDS TO CIP P03-50B. (0920-70)

CITY MANAGER BROWN reported the item.

MOTION BY KING, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7072 – AWARDING THE PUBLIC WORKS CONTRACT FOR THE VETERANS PARK TOT-LOT RESURFACING (P03-50B) TO PLAY SMART SURFACING, INC. AND AUTHORIZING THE TRANSFER OF \$40,000 RISK MANAGEMENT FUNDS TO CIP P03-50B. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: JANNEY, SPRIGGS, BRAGG, KING

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BILBRAY

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:06 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk